

TSD File Inventory Index

US EPA RECORDS CENTER REGION 5



1007440

Date: January 4, 2009

Initial: CPH/veraco

| | | |
|---|---|---|
| Facility Name: <u>Mass Corporation of America (Angheral Facility)</u> | | |
| Facility Identification Number: <u>WD 044582848</u> | | |
| A.1 General Correspondence <u>A.1.1-A.1.3</u> | 1 | B.2 Permit Docket (B.1.2) |
| A.2 Part A / Interim Status <u>A.2</u> | 1 | .1 Correspondence |
| .1 Correspondence | 4 | .2 All Other Permitting Documents (Not Part of the ARA) |
| .2 Notification and Acknowledgment | 4 | C.1 Compliance - (Inspection Reports) |
| .3 Part A Application and Amendments | 4 | C.2 Compliance/Enforcement <u>C.2</u> |
| .4 Financial Insurance (Sudden, Non Sudden) | 1 | .1 Land Disposal Restriction Notifications |
| .5 Change Under Interim Status Requests | 1 | .2 Import/Export Notifications |
| .6 Annual and Biennial Reports | 1 | C.3 FOIA Exemptions - Non-Releasable Documents <u>C.3</u> |
| A.3 Groundwater Monitoring | 1 | D.1 Corrective Action/Facility Assessment |
| .1 Correspondence | 1 | .1 RFA Correspondence |
| .2 Reports | 1 | .2 Background Reports, Supporting Docs and Studies |
| A.4 Closure/Post Closure | 1 | .3 State Prelim. Investigation Memos |
| .1 Correspondence <u>A.4.1-A.4.5</u> | 1 | .4 PFA Reports |
| .2 Closure/Post Closure Plans, Certificates, etc <u>See A.4.1</u> | 1 | D. 2 Corrective Action/Facility Investigation |
| A.5 Ambient Air Monitoring | 1 | .1 RFI Correspondence <u>D.2.1</u> |
| .1 Correspondence | 1 | .2 RFI Workplan <u>D.2.2</u> |
| .2 Reports | 1 | .3 RFI Program Reports and Oversight |
| B.1 Administrative Record | 1 | <u>D.2.4 (3)</u> .4 RFI Draft /Final Report |

Total - 28

| | | | |
|--|---|--|---|
| .5 RFI QAPP D.2.5 | 1 | .7 Lab data, Soil Sampling/Groundwater D.4.7 (3) | 3 |
| .6 RFI QAPP Correspondence D.2.6 | 1 | .8 Progress Reports D.4.8 | 1 |
| .7 Lab Data, Soil-Sampling/Groundwater D.2.7 | 1 | D.5 Corrective Action/Enforcement | |
| .8 RFI Progress Reports | | .1 Administrative Record 3008(h) Order D.5.1-D.5.2 | 1 |
| .9 Interim Measures Correspondence | | .2 Other Non-AR Documents | |
| .10 Interim Measures Workplan and Reports | | D.6 Environmental Indicator Determinations | |
| D.3 Corrective Action/Remediation Study | | .1 Forms/Checklists D.6.1 | 1 |
| .1 CMS Correspondence D.3.1 | 1 | E. Boilers and Industrial Furnaces (BIF) | |
| .2 Interim Measures | | .1 Correspondence | |
| .3 CMS Workplan D.3.3 | 1 | .2 Reports | |
| .4 CMS Draft/Final Report D.3.4(2) | 2 | F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.) | 1 |
| .5 Stabilization | | G.1 Risk Assessment | |
| .6 CMS Progress Reports | | .1 Human/Ecological Assessment | |
| .7 Lab Data, Soil-Sampling/Groundwater D.3.7(2) | 2 | .2 Compliance and Enforcement G.1.2 | 1 |
| D.4 Corrective Action Remediation Implementation | | .3 Enforcement Confidential | |
| .1 CMI Correspondence D.4.1 | 1 | .4 Ecological - Administrative Record | |
| .2 CMI Workplan | | .5 Permitting | |
| .3 CMI Program Reports and Oversight | | .6 Corrective Action Remediation Study | |
| .4 CMI Draft/Final Reports | | .7 Corrective Action/Remediation Implementation | |
| .5 CMI QAPP | | .8 Endangered Species Act | |
| .6 CMI Correspondence | | .9 Environmental Justice | |
| | | | |

Note: Transmittal Letter to Be Included with Reports.

Comments:

F

| File Inventory Sheet | | | Box 1 of 2 |
|--------------------------------------|---------|--|------------|
| File Series: Amphenol/Franklin Power | | | RCRA 206a |
| ID# IND 044 587 848 | | | |
| Folder # | Date | Folder Description | |
| | | Interim Corrective Measures – Groundwater Recovery and Treatment System (This Title Applies to following 4 Reports) | |
| 1 | 3/26/01 | D.4/7 First Semi-Annual Post Closure Monitoring Report, 4/19/00 to 10/26/00 | |
| | 1/30/02 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 4/28/01 to 10/20/01 | |
| 2 | 5/29/02 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 10/20/01 to 4/16/02 | |
| | 12/3/02 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 5/02 to 10/02 | |
| | | Implemented Corrective Measures – Groundwater Recovery and Treatment System (This Title Applies to following Reports) | |
| 3 | 6/11/03 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 10/2/02 to 4/30/03 | |
| | 11/7/03 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 5/1/03 to 10/31/03 | |
| 4 | 5/18/04 | D.4/7 First Semi-Annual Post Closure Monitoring Report, 11/1/03 – 4/30/04 | |
| | | | |
| | | | |

File Inventory Sheet**Box 2 of 2****File Series: Amphenol/Franklin Power****RCRA 206a****ID# IND 044 587 848**

| Folder # | Date | Folder Description |
|-----------------|-------------|--|
| | | Implemented Corrective Measures – Groundwater Recovery and Treatment System (This Title Applies to following Reports) |
| 5 | 11/16/04 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 5/1/04 to 10/31/04 |
| 6 | 5/9/05 | D.4/7 First Semi-Annual Post Closure Monitoring Report, 11/1/04 to 4/30/05 |
| 7 | 6/9/06 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 10/28/05 to 4/27/06 |
| | 12/5/06 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 4/27/06 to 10/27/06 |
| 8 | 5/24/07 | D.4/7 First Semi-Annual Post Closure Monitoring Report, 10/27/06 to 4/23/07 |
| | 11/30/07 | D.4/7 Second Semi-Annual Post Closure Monitoring Report, 4/23/07 to 10/26/07 |
| 9 | 6/9/08 | D.4/7 First Semi-Annual Post Closure Monitoring Report, 11/26/07 to 4/25/08 |
| | | |
| | | |
| | | |

DEC 30 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DE-9J

Mr Samuel S. Waldo
Director of Environmental Affairs
Amphenol Corporation
358 Hall Avenue
P.O. Box 5030
Wallingford, Connecticut

Re: Franklin Power Products, Inc./Amphenol
Franklin, Indiana
IND 044 587 848
Administrative Order on Consent
Docket No. R8H-5-99-002

Dear Mr. Waldo:

Please be advised that after December 31, 1998, Walter Francis of the Enforcement and Compliance Assurance Branch will serve as the United States Environmental Protection Agency's Project Coordinator for the above referenced Facility.

Sincerely,

William Buller, Project Coordinator
Enforcement and Compliance Assurance Branch
Waste Pesticides and Toxics division
MI/WI Section

cc: J. Michael Jarvis, Franklin Power Products, Inc
John Gunter, IDEM

bcc: Larry Johnson, ORC

ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

| SECRETARY | SECRETARY | SECRETARY | SECRETARY | SECRETARY | SECRETARY |
|-------------------------------|-------------------------------|--|--|-------------------------|------------------------------|
| | | | | | |
| AUTHOR/ TYPIST | MINN/OHIO SECTION CHIEF | MICHIGAN/ WISCONSIN SECTION CHIEF | ILLINOIS/ INDIANA SECTION CHIEF | ECAB BRANCH CHIEF | WPTD DIVISION DIRECTOR |
| <i>WJD</i> <i>12/30/98</i> | | | | | |

HANDLER ID: 1/11/2014/1518718148 FACILITY NAME: Franklin Power Prod/Amphand DATE: 09/30/97

INSTRUMENT INFORMATION: INSTRUMENT TYPE: AC0UOPHNJSVZ
P. AGENCY: EPA STATE JOINT ISSUANCE DATE: 11/27/90
RESP. PROG: RCRA CERCLA-(Superfund) RESP. SECT: REB RPB OTHER
RESP. PER: R5WB, STATE, ATTORNEY LJ EFFECTIVE DATE: 11/27/90
LEG. AUTH CODE: A B C (D) E F G H U IF U, LEG. AUTH. CIT.
REVOCATION DATE: / / REPOSIT. INFO: N/A REQ/EST REQ/NOT EST

AREA INFORMATION: PRE-RFI RELEASES: GW SW SOIL AIR
AREA SEQUENCE NUM: / POST-CMS CONSTITUENT CODE:
AREA DESCRIPTIONS: POST-CMS REMEDY CODE:
POST-CMS TYPE OF MEDIUM: A G S N

| STAGE EVENT INFORMATION: HDQTRS DESCRIPTIONS | | | SEQ. NUM | SCHEDULED DATES | ACTUAL DATES | STATUS CODES | | | |
|--|-----------|---------------------------------|----------|-----------------|--------------|--------------|-----|-----|----|
| RFA | CA010 | RFA INITIATION..... | / | / | / | / | / | / | / |
| | CA050 | RFA COMPLETED..... | / | / | / | RF/ | PA/ | / | / |
| | Pre-CA060 | NOTICE OF CONTAMINATION..... | / | / | / | / | / | / | / |
| | RFI CA070 | DETERMINATION OF NEED FOR RFI.. | / | / | / | YE/ | NO/ | / | / |
| RFI | CA075 | CA PRIORITIZATION..... | / | / | / | HI/ | ME/ | LO/ | / |
| | CA100 | RFI IMPOSITION..... | / | / | / | DC/ | / | / | / |
| | CA110 | RFI WORKPLAN RECEIVED..... | / | / | / | / | / | / | / |
| | CA120 | RFI WKPLAN MOD. REQ. BY AGENCY. | / | / | / | / | / | / | / |
| | CA140 | RFI WKPLAN NOTICE OF DEFICIENCY | / | / | / | / | / | / | / |
| | CA150 | RFI WORKPLAN APPROVED..... | / | / | / | / | / | / | / |
| | CA155 | RFI SUP. INFO REQ. BY AGENCY... | / | / | / | / | / | / | / |
| | CA160 | RFI SUP. INFO, RECEIVED..... | / | / | / | / | / | / | / |
| | CA170 | RFI SUP. INFO DEEMED SATISFACT. | / | / | / | / | / | / | / |
| | CA180 | RFI IMPLEMENTATION BEGUN..... | / | / | / | / | / | / | / |
| | CA190 | RFI REPORT RECEIVED..... | / | / | / | / | / | / | / |
| | CA195 | RFI PROGRESS REPORTS RECEIVED.. | / | / | / | / | / | / | / |
| Hdqtr | CA200 | RFI APPROVED..... | / | / | / | / | / | / | / |
| | CA210 | CA RESP.REFERRED TO NON-RCRA... | / | / | / | SF/ | OT/ | / | / |
| | CA CA225 | STABILIZATION METHOD EVALUATION | / | / | / | YE/ | NR/ | NP/ | IN |
| CMS | CA250 | CMS IMPOSITION..... | / | / | / | / | / | / | / |
| | CA260 | CMS WORKPLAN RECEIVED..... | / | / | / | / | / | / | / |
| | CA270 | CMS WKPLAN MOD. REQ. BY AGENCY. | / | / | / | / | / | / | / |
| | CA300 | CMS WORKPLAN APPROVED..... | / | / | / | / | / | / | / |
| | CA305 | CMS SUP. INFO REQ. BY AGENCY... | / | / | / | / | / | / | / |
| | CA310 | CMS SUP. INFO. RECEIVED..... | / | / | / | / | / | / | / |
| | CA320 | CMS SUP. INFO DEEMED SATISFAC.. | / | / | / | / | / | / | / |
| | CA330 | CMS IMPLEMENTATION BEGUN..... | / | / | / | / | / | / | / |
| | CA340 | CMS REPORT RECEIVED..... | / | / | / | / | / | / | / |
| | CA345 | CMS PROGRESS REPORTS RECEIVED.. | / | / | / | / | / | / | / |
| | CA350 | CMS APPROVED..... | / | / | / | / | / | / | / |
| | CA370 | PETITION FOR NO FUR.ACTION REC. | / | / | / | / | / | / | / |
| | CA375 | DCS.ON PETITION FOR NO FUR.ACT. | / | / | / | / | / | / | / |
| | CA380 | DTE PUB.NOTICE PROPOSED REMEDY. | 011 | 04/15/97 | 04/15/97 | / | / | / | / |
| CMI | CA400 | DTE FOR REM.SELECT(CMI IMPOSED) | 011 | 08/19/97 | 08/19/97 | / | / | / | / |
| | CA410 | DATE TO SUBMIT REMEDY DESIGN... | / | / | / | / | / | / | / |
| | CA450 | CM DESIGN APPROVED..... | / | / | / | / | / | / | / |
| | CA460 | COST EST. FOR REMEDY RECEIVED.. | / | / | / | / | / | / | / |
| | CA470 | FINANCIAL ASSUR.FOR REMEDY DEMO | / | / | / | / | / | / | / |
| | CA500 | CMI WORKPLAN APPROVED..... | / | / | / | / | / | / | / |
| | CA510 | DETER. OF TECH. IMPRACTIBILITY. | / | / | / | / | / | / | / |
| S | CA550 | CERT.OF REMEDY COMPLETION (CMI) | / | / | / | / | / | / | / |
| | CA600 | STAB. MEASURES IMPLEMENTED..... | / | / | / | EC/ | GW/ | OT/ | SR |
| | CA650 | STAB. CONSTRUCTION COMPLETED... | / | / | / | / | / | / | / |
| | ENV CA725 | HUMAN EXPOSURES CONTROLLED DET. | / | / | / | / | / | / | / |
| IND | CA750 | RELEASE TO GW CONTROLLED DETER. | / | / | / | / | / | / | / |
| | CA999 | CA PROCESS TERMINATED..... | / | / | / | / | / | / | / |



Metcalf & Eddy

RECEIVED

NOV 29 1991

November 28, 1991

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

Mr. Bill Buller
United States Environmental Protection Agency, Region V
230 South Dearborn Street
Chicago, Illinois 60604

RE: Change in Project Manager
TES X Franklin Power Products
Work Assignment No. R05023

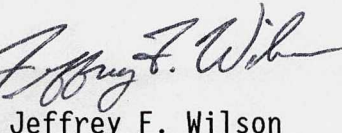
Dear Mr. Buller:

I am writing to inform you that effective immediately, James Myers will be assuming the Project Manager position for the Franklin Power Products Project. I am transferring this job to Jim Myers of M&E's Indianapolis office because of my increased work load on other ongoing M&E projects. He will be contacting you shortly regarding the schedule and staffing for the planned field work.

If you have any questions, please call Jim at (317) 842-7043.

Sincerely,

METCALF & EDDY, INC.


Jeffrey F. Wilson
Engineer

JFW/sac

cc: T. Lentzen, M&E
J. Myers, M&E

Recycled Paper

WW Engineering & Science, Inc.

627 North Morton Street • Bloomington, IN 47404 • (812) 336-0972, Fax (812) 336-3991



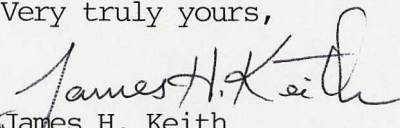
October 11, 1991

William Buller
U.S. EPA, Region V, 5HR-12
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Buller:

In our telephone discussion yesterday, we discussed sending a project map of the former Amphenol site to the Metcalf & Eddy Columbus, Ohio office. It came to my attention that we are presently working under contract with that office on oversight activities in the Bloomington, Indiana area. I was not aware of this. I do not know if this will affect your using that office for the oversight work, but felt it was something you should know. If you have any questions, please let me know.

Very truly yours,


James H. Keith
Project Manager

cc: Susan Gard

Budich



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

RECEIVED
APR 15 1991

April 11, 1991

Mr. Larry Light, Vice President
Franklin Power Products
980 Hurricane Road
Franklin, Indiana 40131

RCRA PERMITTING BRANCH
OR/WMD
EPA REGION V

Re: Letter of Compliance, Case No. VL-10621
Hazardous Waste Management
Franklin Power Products
EPA I.D. No. IND 044587848
Franklin, Johnson County

Dear Mr. Light:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on March 20, 1991, it has been determined that Franklin Power Products has achieved compliance with the terms of the Violation Letter issued to your firm on February 4, 1991.

If you have any questions concerning this matter, feel free to contact Mr. Marc A. Herdrich of the Office of Solid and Hazardous Waste Management at AC 317/232-4463.

Sincerely,

H. Martin Harmless II
Assistant Commissioner
Solid and Hazardous Waste Management

MAH/bja

cc: Johnson County Health Department
Ms. Ann Budich, U.S. EPA, Region V ✓
Mr. Gary Romesser



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

FEB 21 1991

5HR-12

Mr. Larry Light
Vice President
Franklin Power Products (Bendix)
980 Hurricane Road
Franklin, Indiana 40131

Re: Compliance Letter
Franklin Power Products (Bendix)
IND 044 587 848

Dear Mr. Light:

On September 28, 1990, the United States Environmental Protection Agency (U.S. EPA), conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above referenced facility. The purpose of the inspection was to determine the compliance status of this facility with respect to the applicable hazardous waste management requirements of RCRA, including the land disposal restriction regulations as set forth in 40 CFR Part 268 and in revisions to 40 CFR Parts 260-265, 268, 270, and 271.

As a result of the inspection, we have determined that your company is a conditionally exempt small quantity generator (generating less than 100 kg of hazardous waste per month) and currently not subject to these restrictions. If in the future you generate more than 100 kg of hazardous waste per month, you will have to meet certain generator standards required by the Resource Conservation and Recovery Act of 1976, as amended (40 CFR Part 262), as well as the requirements of the land disposal restriction regulations found in 40 CFR Part 268.

Thank you for your cooperation. If you have any questions concerning this letter, please contact Jean Gromnicki of my staff at (312) 886-4555.

Sincerely yours,

Gordon Garcia, Acting Chief
IN/MN/OH Enforcement Program Section

Enclosure

cc: Dennis Zawodni, IDEM

2-20-91

| | | | |
|--------------------------|---------------|-------------------------|--------------|
| RCRA ENFORCE- MENT | REB STAFF | REB SECTION CHIEF | REB CHIEF |
| INIT. DATE | JK 2-20-91 | gm 2/20/91 | |



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

February 4, 1991

VIA CERTIFIED MAIL P 404 637 830

Mr. Larry Light, Vice President
Franklin Power Products
980 Hurricane Road
Franklin, Indiana 40131

Re: Violation Letter (VL-10621)
Hazardous Waste Management
Scheduled Compliance Inspection
Franklin Power Products
U.S. EPA I.D. No. IND 044587848
Franklin, Johnson County

Dear Mr. Light:

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This is to inform you that on September 28, 1990, an inspection of Franklin Power Products, located at Franklin, Indiana, was conducted by Messrs. Ron Baker and Tim Hahne of PRC Environmental Management, Inc., contractors for the U.S. Environmental Protection Agency. You represented your firm at this inspection.

The following violations of 329 IAC 3 pertaining to the operation of your facility were noted:

1. 329 IAC 3-7-2

The generator has not made a proper waste determination. Franklin Power Products has not determined if spent paint thinner, and used paint filters are listed hazardous wastes.

2. 329 IAC 3-3-5(g)(3)

Franklin Power Products does not ensure that its wastes are being disposed of at properly licensed disposal facility.

An Equal Opportunity Employer

Mr. Larry Light
Page 2

Franklin Power Products, within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

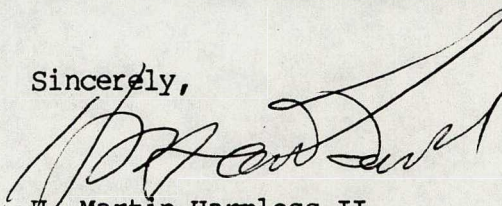
1. Use the guidance of 329 IAC 3-7-2 to determine if the spent paint thinner and used paint filters are listed hazardous waste under 329 IAC 3-6 or 329 IAC 3-5.
2. Obtain documents stating that the disposal facility which receives your hazardous wastes is (1) permitted under 329 IAC 3-33 through 329 IAC 3-39 or in interim status under 329 IAC 3-33 through 329 IAC 3-39 and 329 IAC 15 through 329 IAC 3-32; (2) a disposal facility authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR 271; (3) permitted, licensed, or registered by a state to manage municipal or industrial solid waste; or (4) a facility that beneficially uses or reuses or legitimately recycles or reclaims its wastes or that treats its waste prior to beneficial use or reuse or legitimate recycling or reclamation. Submit the identification number for the facility receiving your hazardous wastes.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Mr. Marc A. Herdrich of the Office of Solid and Hazardous Waste Management, of the Department, AC 317/232-4463.

Sincerely,



E. Martin Harmless II
Assistant Commissioner
Solid and Hazardous Waste Management

MAH/bja

cc: Johnson County Health Department
Ms. Ann Budich, U.S. EPA, Region V ✓
Mr. Gary Romesser



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

Susan W. Gard
Curtis Publishing Company
1000 Waterway Boulevard
Indianapolis, Indiana 46202

RE: Franklin Power Products, Inc./Amphenol Corporation
Administrative Order on Consent, IND 044 587 848

Dear Susan:

I have been mulling over the quandary in which we find ourselves.

As I set forth in my letter of August 27, 1990, there is a tension between the United States Environmental Protection Agency's (U.S. EPA) need for language in the order which will serve well its future needs and your client's need for language which does not penalize it for seeking a hearing should stipulated penalties be assessed.

John Robacynski's letter of August 29, 1990, proposes to resolve this conflict by permitting a direct appeal of disputes to an independent third party, preferably a federal district court. To embrace this approach, however, the U.S. EPA must agree to comprise its authority as an administrative agency to adjudicate disputes. This it will not do.

Kenneth Culp Davis's Administrative Law Treatise discusses in Chapter 2, the Philosophical Foundations for administrative law. There is much discussion of the theory and reality of the separation of powers doctrine. I found this interesting reading, as I'm sure you would, because it addresses the very issue raised in this case: whether an Agency might fairly enforce the law and adjudicate disputes which arise in the course of enforcement.

I gleaned from this chapter that there is much controversy surrounding any agency's exercise of these two powers. Nevertheless, an agency has such authority, and

U.S. EPA is not prepared to relinquish it in order to reach agreement in this case.

Professor Davis discusses the notion of prosecutorial discretion in chapters 8 and 9 of his book. It is within this area that I think we might work matters out.

When we last spoke on the phone, I proposed that we resolve this matter by reverting back to our initial position: that the document be silent on the issue of penalties during Dispute Resolution. I would like to again propose this.

I recognize that such a proposal does not take the bull by the horns. Rather, it chooses to stay away from the bull; to stand quietly at the meadow's far reaches; to wave no red flags.

Such an approach satisfies the Agency: no new precedent; no bad language to come back to haunt us. I believe that it also benefits your client. Silence confers no affirmative duty to impose penalties during dispute resolution.

What if U.S. EPA, despite the silence on the subject, did choose to impose penalties during dispute resolution? While reserving to you the right to counsel your client as you saw fit, I can foresee the following scenario:

U.S. EPA imposes a stipulated penalty; Franklin challenges it; U.S. EPA reviews the dispute, finds in its favor, imposes the penalty and, over the staff attorney's objection, imposes an additional penalty for those days during which the dispute was pending; Franklin pays the original penalty but withholds that amount which accrued during the pendency of the dispute; U.S. EPA's review of the case includes a review of our discussions regarding the accrual of penalties during dispute; U.S. EPA nevertheless goes forward with the enforcement action and succeeds in convincing the overburdened staff at the Department of Justice to file suit; suit is filed; Federal Court Judge reviews the case and dismisses it in an opinion highly critical of U.S. EPA's exercise of prosecutorial discretion.

I don't mean to be flippant in describing the enforcement scenario above. I think that it makes the point, however, that the imposition of penalties during a dispute resolution period, while possible under the language of the Order, would be highly unlikely in this case, and, equally important, ultimately unsuccessful. In the end, consistent with John Robacynski's approach, a federal court judge would be the final arbiter of any dispute.

I look forward to talking with you further about this matter.

Sincerely,

Steven P. Kaiser
Assistant Regional Counsel

cc: John J. Robacynski
Bill Buller



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

MAR 4 1988

Kenneth E. Stroup Jr.
Senior Attorney
Allied Signal Inc.
Law Department
P.O. Box 2245 R
Morristown, New Jersey 07960-2245

Re: Proposed Administrative Order
on Consent - Amphenol Corporation
Franklin, Indiana

Dear Mr. Stroup:

Thank you for your letter of February 16, 1988, in which you declined, on behalf of Allied Signal, to be a signatory to a Proposed Consent Order regarding the above referenced matter. While Amphenol has not provided any financial information regarding its ability to perform, the character of the negotiating session which occurred on February 18, 1988 indicates a willingness to reach a resolution of the matter. So long as there is a viable party, such as Amphenol, which displays a willingness to provide any needed remedy, this agency will not pursue any claim it might have against Allied. However, should a consensual resolution not be reached, or if Amphenol fails to perform for any reason, including financial problems, this agency reserves any rights it might have against Allied Signal.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Charles McKinley", is written over the typed name.

Charles McKinley
Assistant Regional Counsel

cc: Bill Buller



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

MAR 4 1988

Samuel S. Waldo
Director Environmental Affairs
Amphenol Corporation
P.O. Box 384
Wallingford, CT 06492-0384

Re: Proposed Administrative Order on Consent -
Amphenol Corporatin
Franklin, Indiana

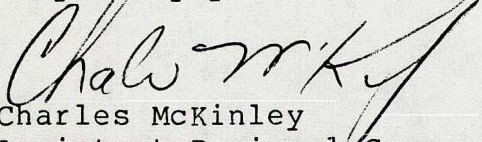
Dear Mr. Waldo:

Your letter of February 19, 1988 was not received by this office until February 29, 1988, because of an inaccurate zip code. For future reference, in order to avoid delays in the mail, please note that the proper zip code is 60604.

I wish to reiterate, in writing, that Amphenol's decision to proceed with the development of a RFI Work Plan, without the execution of a Consent Order, is at its own risk. It is our hope, of course, that a Consent Order can be amicably negotiated, and that your company's decision to develop the RFI Work Plan may result in a time savings.

We, likewise, appreciated the cooperative spirit of the meeting of February 18, and look forward to receiving the revised draft language.

Very truly yours,


Charles McKinley
Assistant Regional Counsel

cc: Bill Buller

Gary Grolle, Esq.
421 West Melrose Street
Chicago, Illinois 60657

18 NOV 1986

Bendix Connector Operations
Amphenol Products Division
Franklin, Indiana
IND 044 587 848

William E. Muno, Chief
RCRA Enforcement Section

ORIGINAL SIGNED BY
WILLIAM E. MUNO

Michael Elam, Chief
Office of Regional Counsel

The purpose of this correspondence is to request representation from Regional Counsel at a meeting with representatives of the subject facility concerning corrective action. On July 25, 1986, Allied Amphenol Products, Bendix Connector Operations, submitted information to the U.S. EPA concerning their Franklin, Indiana facility. This information indicates that an action under Section 3008(h) of RCRA, as amended, is appropriate. I have designated James V. Callier of my staff, as the lead technical contact for this matter. His phone number is 353-7992.

A meeting has been scheduled for November 25, 1986, at 10:00 A.M. in the conference room next to Bill Miner's office on the 12th floor.

cc: Joseph Boyle

5HE-12:Callier:lr:3/7992:11/12/86#26

| | | | | | | | |
|------|----------|-----|----------|----------|----------|--|--|
| DATE | 11/13/86 | 1VC | 11-13-86 | 11/17/86 | 11/17/86 | | |
|------|----------|-----|----------|----------|----------|--|--|

DEC 23 1987

Mr. Edward Wetmore
Secretary/General Counsel
Amphenol Corporation
P.O. Box 384
Wallingford, CT. 06492-0384

Re: Administrative Order on Consent (Consent Order)
Allied Signal Corporation, Amphenol Products
Division, Bendix Connector Operations, IND 044 587 848

Dear Mr. Wetmore:

Pursuant to Section 3008(h) of the Resource Conservation and Recovery Act, I am enclosing a draft consent order with outlines for the corrective action work plans (Attachments I, II) to address the release of hazardous constituents from the subject facility. This draft incorporates revisions by the Office of Waste programs Enforcement in Washington D.C. Most significantly, the consent order was revised so as to involve only the RCRA Facility Investigation and the Corrective Measures Study. Upon completion of this initial phase, a second order will be required to address the Corrective Measures Implementation.

You will note that the named Respondent is Allied, despite the sale of Amphenol to LPL. As I explained briefly to Mr. Waldo, until EPA is reasonably satisfied that Amphenol Corporation, on its own or with the guarantee of LPL, has the financial capacity to fulfill the terms of the enclosed order and to perform the requisite corrective measures, it will insist that Allied be a signatory to the Consent Order. You may provide evidence of the capacities of LPL/Amphenol for us to review, should you wish Allied not to remain a respondent. However, U.S. EPA reserves all of its rights against Allied, should the parties fail to reach agreement regarding the enclosed, should the requirements of the Order not be met, and/or if appropriate corrective measures are not completed in a timely way. By copy of this letter to Allied's counsel, Mr. Grolle, I am so advising Allied Corporation.

Please review the consent order and work plan outlines and advise me of your comments within thirty (30) days of receipt of this letter.

If you have any questions on this matter, please contact me at (312) 353-6126.

Sincerely yours,

Charles McKinley
Assistant Regional Counsel

Enclosure

cc: David Lamm, IDEM
Thomas Russell, IDEM

Gary Grolle, Esq.
Allied Corporation
World Headquarters
4300 Commerce Court
Lisle, Illinois 60532

bcc: H. Cho, 5HS-13 ✓
W. Buller ✓

5HE-12

OCT 22 1986

Mr. Thomas Russell, Chief
Enforcement Section
Division of Land Pollution Control
Indiana Department of Environmental
Management
105 South Meridian Street
Indianapolis, Indiana 46225

Dear Mr. Russell:

Enclosed please find a copy of information submitted by Allied Amphenol Products,
Bendix Connector Operations, located in Franklin, Indiana, on July 25, 1986.

A copy of this submittal was requested during an October 16, 1986, conference
call between the Indiana Department of Environmental Management and the
United States Environmental Protection Agency.

If you have any questions regarding this matter, please contact Mr. James Callier
of my staff at (312) 353-7992.

Sincerely yours,

Joseph M. Boyle, Chief
IL/In Unit
RCRA Enforcement Section

Enclosures

5HE-12:James:lr:3/7992:10/20/86

| INT. DATE | TYPIST | AUTHOR | OTHER STAFF | UNIT CHIEF | SECT. SEC'Y | SECT. CHIEF | INTEL CHIEF | WMD DIR |
|--------------|----------|----------|----------------|---------------|----------------|----------------|----------------|------------|
| | LT | JVC | | JMB | ap | WEN | | |
| | 10/20/86 | 10/20/86 | | 10/20/86 | 10/21/86 | 10/21/86 | | |

Harbert 3

STATE BOARD OF HEALTH

INDIANAPOLIS

OFFICE MEMORANDUM

TO: Guinn P. Doyle, Chief *9pd 6/10/85*
Hazardous Waste Management Branch

FROM: Jami L. Thais *JLT 6/5/85*
Chemical Evaluation Section

SUBJECT: Disposal of Waste from Amphenol Products
Franklin, Indiana, at Adams Center
Hazardous Waste Landfill

DATE: June 4, 1985

THRU: Jack Corpuz *pc*
James Traylor *JLT 6/5/85*
James Hunt *JMH 6/5/85*

This memo is in response to a conversation on May 24, 1985, between Mr. Roy Harbert and myself regarding the disposal of waste from Amphenol Products at the Adams Center Hazardous Waste Landfill. Mr. Harbert stated that Adams Center has accepted and disposed of numerous loads of soil debris from Amphenol Products. As of May 24, 1985, no approval had been sent for that particular waste. I currently have the disposal request and have been reviewing it for approval.

After I was told that the waste had already been accepted, I called Ms. Susan Griggs, Customer Service Manager at Adams Center. She stated that there had been a time constraint to dispose that particular waste. Thus, Adams Center spoke with the generator and decided to give the waste a hazardous waste code of F008. After changing the classification to F008, Adams Center accepted the material under their new generic approval. At the conclusion of our conversation, Ms. Griggs told me to disregard the request for disposal.

At the present time, I am unsure as to what should be done next. Should the request be ignored, or should I follow through with normal approval procedures? Please let me know if I can be of any further assistance in this matter.

JLT/sk

cc: Mr. Roy Harbert ✓